DOCUMENT RESUME

ED 434 440 EC 307 438

TITLE	A Parent Guide to Special Education for Preschool Children in Pennsylvania.
INSTITUTION	Parent Education Network, York, PA.
SPONS AGENCY	Department of Education, Washington, DC.
PUB DATE	1998-06-00
NOTE	16p.; For Spanish version, see EC 307 439.
CONTRACT	ED-89.029M
PUB TYPE	Guides - Non-Classroom (055)
EDRS PRICE	MF01/PC01 Plus Postage.
DESCRIPTORS	Check Lists; Conflict Resolution; Delivery Systems; *Disabilities; Due Process; *Early Intervention; Educational Legislation; Eligibility; Federal Legislation; *Individualized Education Programs; Interdisciplinary Approach; *Parent Rights; *Preschool Children; Preschool Education; *Special Education; Student Evaluation; Student Placement
IDENTIFIERS	Individuals with Disabilities Education Act; *Pennsylvania

ABSTRACT

This guide is intended to help Pennsylvania parents of preschool children with special needs to understand their rights and assist in the design of an appropriate early intervention preschool educational program. An overview of special education laws focuses on the Individuals with Disabilities Education Act, Part B. The main sections of the guide provide information on: referral; transition at age 3, which includes transfer of responsibility from the Department of Public Welfare to the Department of Education; the multi-disciplinary evaluation team, such as the required members; the multi-disciplinary evaluation, including required areas for evaluation; what makes an evaluation "appropriate," such as appropriate tests and testing environment; independent evaluations; re-evaluations; the comprehensive evaluation report, including required components; eligibility; the individualized education program (IEP) and its required components; services and personnel; placement; community childcare or preschool; other IEP requirements; conflict resolution, including complaints, mediation, conferences, and hearings; and transition to school-age programs. Three appendices provide a checklist of preparation steps for the IEP meeting, a list of suggested questions for parents to ask, and a glossary of abbreviations. (DB)

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ED 434 440

A PARENT GUIDE TO

SPECIAL EDUCATION for PRESCHOOL CHILDREN in PENNSYLVANIA

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PARENT EDUCATION NETWORK IS FUNDED THROUGH THE UNITED STATES DEPARTMENT OF EDUCATION GRANT #R029L[illegible]PARENT TRAINING • INFORMATION

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INTRODUCTION

When raising a child with special needs, a parent is often faced with joys and challenges that were never expected. There are no instructions or maps, but many times there is a network of other parents, agencies and services that resourceful parents eventually find and use in their own communities or regions.

The parent is certainly the expert on the child and, as such, has the potential to be the child's most effective advocate in the education system. No one needs to "empower" you, or give you power. Because you are a parent, you already have power that is recognized in special education law. With that power comes not only opportunity but also responsibility! In order to be a truly effective advocate you must understand the effects of your child's disability on learning and social development and know your rights and the rights of your child in the education system. This involves becoming familiar with special education and civil rights laws and also seeking resources that you can use to ensure your child's success.

This guidebook is written for you, the parent, to assist you in understanding your rights so that you can design an appropriate preschool educational program and a strong network of support and resources for you and your child.

OVERVIEW OF SPECIAL EDUCATION LAWS

In 1975, the U.S. Congress passed Public Law 94-142, requiring that school-age children with disabilities receive a "free and appropriate public education". This marked the end of a long struggle by parents and advocates who believed that children with disabilities should receive an education in public schools. In 1986 this federal law was given a new name, **The Individuals with Disabilities Education Act** or **IDEA**, and it was changed to include younger children with disabilities. The **IDEA** was changed again in 1997 through a process called "reauthorization".

IDEA is divided into Parts A through D. **Part B of IDEA provides funding to Pennsylvania for special education services to children with disabilities who are ages 3 to 21 and these services are the responsibility of the PA Department of Education.**

Regardless of your child's age, providing an appropriate education program involves four basic steps:

1) An **EVALUATION** of your child's learning strengths and unique learning needs;
2) The **DEVELOPMENT of a PLAN** for using your child's strengths to overcome needs: deciding how the plan will be achieved, where the plan will be carried out, who will do it and how much service time will be needed so that your child will be successful;
3) **CARRYING OUT the PLAN** as agreed to;
4) **REVIEWING the PLAN** periodically.

These steps are outlined in federal and state laws and regulations. Understanding these four steps will help you understand the educational process discussed in this guide.

As of the writing of this Guide, State regulations are being changed. Contact PEN (800-522-5827) for more information about the status of these regulations.

SPECIAL EDUCATION FOR CHILDREN OF PRESCHOOL AGE: THIRD BIRTHDAY TO THE "AGE OF BEGINNERS"

Special education for preschool-age children is the responsibility of the Pennsylvania Department of Education, who contracts with various regional agencies across the state known as **MAWA** agencies. In most places in Pennsylvania, the MAWA agency is the **local Intermediate Unit**. This agency is responsible for evaluating your child, creating a plan with you and providing services to you and your family based on that plan. *To qualify for these services a child must be at least three years old and less than "the age of beginners",* that is, younger than the minimum age for first grade in your local school district.

REFERRAL

Children come to preschool special education programs because of transition from a birth to three early intervention program, a recent diagnosis of a disability or a suspicion by parents of a developmental delay.

TRANSITION AT AGE THREE

If your child is currently receiving early intervention services, at least 90 days and up to 6 months before your child turns three years old, you will be invited to a transition meeting. This meeting is held because on your child's third birthday, the responsibility for early intervention changes from the PA Department of Public Welfare to the PA Department of Education. While this change does not necessarily mean a change in your child's placement, it will mean more paper work. The meeting should have representatives from your MH/MR, the agency responsible for special education preschool programs in your area (MAWA agency) and parent(s). Your child's progress should be reviewed, a determination made about whether a new evaluation is needed and a recommendation about what services your child will continue to need. The result of this meeting should be an Individualized Education Program (IEP), developed by the date of your child's third birthday.

If your child has not received any early intervention services before, *send a letter to the Preschool Supervisor in your MAWA agency and request an evaluation.* Keep a copy of this dated letter and, if you can, send it requesting proof of receipt. If you do not know the name of your local MAWA agency, call Parent Education Network at 800-522-5827 (V/TTY).

SAMPLE LETTER: REQUESTING A PRESCHOOL SPECIAL EDUCATION EVALUATION

Date: _____

Dear (Preschool Supervisor):

I am the parent of (child's name), whose date of birth is (date of birth). I am concerned about my child's development and am requesting a multidisciplinary evaluation. My concerns are(list them).

I understand that the evaluation must be completed within 45 calendar days of my written permission to evaluate. This letter serves as my written permission to evaluate.

Please get back to me at your earliest convenience so that we can arrange an evaluation time. I can be reached at (tele # voice/TTY). The best time to contact me is_____.

Thank you for your attention.

Sincerely,
(your name and address)

If your child is kindergarten age in your local district (but is not enrolled in kindergarten) and you think your child may need special education services, you may either 1) request a preschool special education evaluation from the MAWA agency or 2) request a kindergarten special education evaluation from your school district.

The MAWA agency has **45 calendar days to do the evaluation** from the time your letter, giving permission to evaluate, is received. Some MAWA agencies have their own "permission to evaluate" form, which they may ask you to sign. If this form comes to you after you have sent your letter requesting an evaluation, simply send a copy of your letter when you return the form. Date the form to match the date on your letter. This will prove that you requested an evaluation for your child at an earlier time.

Before the evaluation, you should receive a **written notice** from the MAWA agency which tells about the types of tests that will be used, your right to review your child's school records and your right to meet with the evaluator(s).

Parents have a right to understand all written forms, plans and notices. All forms must be interpreted or written in the native language of the parent.

A **screening**, which might be done first, is a brief overview of the child's abilities, usually done by one professional. The purpose of the screening should be to help decide what to do in the upcoming evaluation but **should not take the place of an evaluation**. *Even if the results of a screening recommend no further evaluation, you have the right to an evaluation, no matter what the results of the screening are.*

THE MULTIDISCIPLINARY EVALUATION TEAM

The evaluation must be completed by a team of people, including, **at a minimum**, parent(s), the preschool service coordinator or supervisor and at least one qualified professional who has knowledge of preschoolers in all developmental areas. The Chairperson of the team will be responsible for arranging a time for the evaluation and for informing staff and parents.

As a member of this evaluation (MDE) team, you bring a unique and necessary perspective to the evaluation. You know your child best. You see your child in all types of situations and places. You know how your child responds to adults, other children and his or her likes and dislikes. You have observed how your child has learned things. If you are not asked for your input, be sure you give it anyway. Some parents find it helpful to write notes about their child's learning, habits, preferences, strengths and needs before the evaluation.

THE MULTIDISCIPLINARY EVALUATION

The evaluation of a preschool-age child by the MAWA agency is **FREE**. It is called a **Multidisciplinary Evaluation or MDE**. This means that the evaluation will examine different areas of your child's development.

ALL children referred for this MDE **must** be evaluated in the areas of:

- ✔ **PHYSICAL SKILLS** (including motor skills such as signing, walking, running, drawing, stacking blocks as well as vision and hearing);
- ✔ **COMMUNICATION SKILLS** (how the mouth muscles work to eat or make sounds, the number and type of words/signs that the child uses and how these are put together in sentences and what/how much the child understands;
- ✔ **COGNITIVE OR THINKING SKILLS** (how your child matches like objects and uses them appropriately, how concepts such as time and space are understood);
- ✔ **SOCIAL-EMOTIONAL DEVELOPMENT** (how your child relates to others)
- ✔ **ADAPTIVE OR SELF HELP SKILLS** (such as dressing, toileting, grooming).

It is required by law that all five of these areas of development are evaluated. It is important that all of these areas are examined because the purpose

of this evaluation is to find out what your child has already learned and his or her developmental age in each of the five skill areas. Any information from previous reports or testing should be reviewed and the MDE team should decide what additional information is needed. In addition, with parent consent, the evaluation process can include a discussion about your family's resources, priorities and concerns as they relate to your child's development and education.

EVALUATIONS ARE COMPLETED EVERY YEAR FOR PRESCHOOL CHILDREN WHO CONTINUE TO BE ELIGIBLE FOR SERVICES.

WHAT MAKES AN EVALUATION "APPROPRIATE" ?

All persons who evaluate your child should be knowledgeable about your child's special needs and the developmental areas to be tested. If you have concerns about staff qualifications or want additional persons to be included on the MDE team, put your request in writing to the MAWA agency.

APPROPRIATE TESTS: It is important to know the type of tests that will be given. There must be a fair opportunity for your child to understand all test directions. The evaluator should check to be sure that he or she understands the directions before proceeding. **All tests must be appropriate so that there is a fair opportunity to show what he or she can do.**

TESTING ENVIRONMENT: Young children often have fears about new places and people. If testing is to be done by person(s) unfamiliar to the child or in unfamiliar surroundings, parents should consider if this would affect test performance.

You have the right to ask that accomodations be made, such as your presence in or close by the testing room, your child's being given the opportunity to know the evaluator before testing, etc.

If you want more information about particular tests, call **Parent Education Network at 800-522-5827 (V/TTY).**

INDEPENDENT EVALUATIONS

You may obtain evaluations from other agencies called "independent evaluations" at any time and results must be considered by the MDE. You can pay for an independent evaluation or you can request that the MAWA agency pay, if you believe that the MAWA agency's evaluation was not appropriate. In that case, put your request in writing **before you schedule the independent evaluation**. Tell the MAWA agency where you would like additional testing and or by whom. If the MAWA agency agrees that their evaluation was not appropriate or complete, they will pay for the independent evaluation. If they refuse, you can further discuss reasons for wanting the independent evaluation. Parents may also use conflict resolution methods found at the end of this Guide.

REEVALUATIONS

Reevaluations must be completed yearly for a preschool child as long as the child remains eligible for services. Reevaluations must also be completed if there is a change in program or placement being considered. Formal tests may be given and a review of the Individualized Education Program (IEP) must be done. You should receive a written notice that a reevaluation will take place. Your written permission is required.

THE COMPREHENSIVE EVALUATION REPORT (CER)

The evaluation is the foundation for the rest of the preschool early intervention process...so it is important to understand the results of the evaluation!

Evaluation results are summarized in a ***Comprehensive Evaluation Report*** or ***CER***, which you should receive *no later* ***than 15 calendar days*** after

your child's evaluation. This report must discuss the tests and should give your child's developmental age in all five skill areas (motor vision/hearing, communication, cognitive, self-help and socialization). It should also include the results of any independent testing that was done and made known to the MAWA agency. The CER contains *preliminary recommendations* about the types of early intervention (preschool) services that are needed. If a team member (parents included) disagrees with any part of the CER, that member may write the reasons why and submit them to the chairperson of the team within **5 calendar days**. This "dissenting opinion" is attached to the CER.

ELIGIBILITY

Your child is considered eligible for preschool special education services if he or she is between three years old and less than the age for first grade in your local school district (the definition of "age of beginners"). Children are eligible who have a delay of at least 25% of their chronological age in one or more areas of development or has one or more of the following disabilities:

- autism
- emotional disturbance
- neurological impairment
- deafness/hearing impairment
- specific learning disability
- mental retardation
- multihandicaps
- other health impairment
- physical disability
- speech/language impairment
- blindness/visual impairment

THE IEP

In preschool special education for children from age three to kindergarten or first grade age, the plan that must be written and followed is called an **IEP or Individualized Education Program**. Federal law mandates that each eligible child have an IEP, which is your contract with the school that outlines what your child should achieve during the next calendar year and the services needed to make success happen.

The IEP is written by a team of people consisting of: **parents, a preschool teacher, a representative of the MAWA agency who is qualified to provide or supervise preschool services and is knowledgeable about curriculum and available resources, a person who can interpret evaluation results and other persons as desired by parents or the MAWA agency.**

There must be at least two professionals at the meeting in addition to the parent(s). If an IEP meeting is held with only one professional in addition to you, you may refuse to have the meeting until the other necessary team members can be present.

A written notice must be sent to you by the MAWA agency before your child's IEP meeting. This is called the "Invitation to Participate" and should explain the purpose of the meeting, suggested time and place for the meeting, the names of people invited to attend and the parents' right to disagree with any part of the process. If you wish other professionals to be invited to the IEP meeting, tell the MAWA preschool supervisor. You have the right to bring anyone to your IEP meeting. If your child's IEP meeting is scheduled and you do not receive a written notice, call the MAWA agency and ask for one.

You are an important, equal member of the IEP team! You bring a perspective that no other team member has! Share your knowledge about how your child has learned various skills and what you would like to see your child learn the next year.

The IEP is a legal document required by federal and state special education laws. It is important that you know and understand what is written on the IEP since it outlines the MAWA agency's commitment of services and staff for your child.

The final discussion by the IEP team is to decide, based on the goals and objectives that the team has just agreed to, ***where*** this IEP should be carried out (e.g., in your home, in a preschool, at a special clinic or center), ***who*** will carry out the IEP (e.g., speech-language pathologist, physical therapist, regular preschool), ***what services*** will be provided (e.g., speech therapy, physical therapy, classroom program), ***how much*** service it will take for your child to achieve the objectives on the IEP (e.g., 4

half-hour sessions, 3 half-day preschool classes) *and **in what way*** the objectives can be achieved (e.g., individual therapies, services in a group).

IEP GOALS AND OBJECTIVES SHOULD BE SPECIFIC ENOUGH FOR TEAM MEMBERS TO TELL IF PROGRESS IS BEING MADE. ALL DECISIONS ABOUT SERVICES MUST BE MADE CONSIDERING THE GOALS AND OBJECTIVES TO BE ACCOMPLISHED BY THE CHILD.

THE IEP FOR A PRESCHOOL AGE CHILD MUST CONTAIN:

- ✔ The child's **present levels of development**, including how the disability affects participation in appropriate activities;
- ✔ Measurable **annual goals, including short term objectives or benchmarks;**
- ✔ Early intervention (preschool) **services** and **program modifications** or **supports** that are to be provided;
- ✔ **Behavior management program,** if appropriate;
- ✔ **Special equipment,** such as assistive devices, computer;
- ✔ Date of **beginning** and **ending** of services (one calendar year);
- ✔ **Frequency** (how often a service will be given), **duration** (how long each session will be) and **location of services;**
- ✔ **How progress** toward annual goals **will be measured** (criteria, methods of evaluation);
- ✔ **How parents will be regularly informed of progress** and extent to which progress is sufficient to achieve goals by end of IEP;
- ✔ **Explanation of the extent**, if any, to which **the child will not participate with nondisabled peers**;
- ✔ Statement about how **transition** will take place at school age;
- ✔ **Outcomes desired for the family** (with parent permission);
- ✔ **Signatures** of those who participated in the plan's development.

SERVICES AND PERSONNEL

There are a variety of preschool special education services that can be provided to meet the needs of an eligible child. Such services as speech pathology and audiology, transportation, psychological services, occupational therapy, physical therapy, family training and counseling and assistive technology are often provided to preschool children if they are appropriate, agreed to by the IEP team and written on the IEP. **Services should never be based on funding, staff available or on what services other children receive**. Service providers must be **qualified** to work with your child. Obviously, they must have the right degrees, certifications or licenses to work at the MAWA agency, but they should also have experience.

In addition, those persons in settings with typical children who work with your "included" or "mainstreamed" preschool child should receive ongoing training about your child's special needs.

If you are receiving regular services from a medical facility or an independent professional, be sure that coordination between these independent providers and the MAWA agency takes place. This can be written in the IEP, requiring a "weekly phone call" or "monthly correspondence".

Payment for services: All early intervention services listed on your IEP are free. You can give permission for your private insurance to be billed, but you are under no obligation to use your private insurance if you will incur any cost, such as a decrease in lifetime coverage or other benefits, a reduction of coverage, increase in premiums or a deductible.

Parents may also choose to enroll in Pennsylvania's **Medical Assistance program called ACCESS.** Qualification for the ACCESS program is based on your child's disability and the income of *your child and* on your income. If this is done, the Early Intervention system can bill MA for your services.

Services cannot be denied, however, if you refuse to allow your private insurance to be billed or refuse to enroll in the ACCESS program.

PLACEMENT

IDEA and state laws require that services for children in preschool special education programs must be given in the **Least Restrictive Environment (LRE) to the maximum extent appropriate**. The LRE might be a setting where your child is educated with children who do not have disabilities. For some children, a community preschool class with peers is the appropriate least restrictive environment with supports from the MAWA agency. For other children, a class with other children with similar disabilities may be the appropriate LRE. In such a case, the MAWA agency may operate a program or might give a contract to another agency (such as a specialized school or program) to provide this service. *Remember, placement should only be discussed in terms of where the IEP goals and objectives can be achieved successfully.*

You have a right to information about options for services and placement. You should discuss places and ways of getting services that make the most sense for you and your family. Placement is a team decision.

Determining if a program is appropriate for your preschooler can be difficult. Observing other preschool programs, joining a parent group or attending a state or national conference for parents can help. It is also important to know what questions to ask when you observe a preschool program. A list of some important questions can be found in the appendix.

WHAT ABOUT COMMUNITY CHILDCARE OR PRESCHOOL?

Children receiving preschool early intervention services have a right to be given those services in the least restrictive environment. This might be a community preschool. If parents and other members of the IEP team agree that this is the appropriate place where IEP goals and outcomes can be achieved, the MAWA agency must pay for the time spent in the preschool carrying out the goals and objectives. Some children may need the supports provided by the MAWA agency in the community preschool. If these supports are **agreed to and written on the IEP**, the MAWA agency must pay for those services.

The MAWA agency has the responsibility for providing what the child needs only in developmental areas found to be delayed. You may want your child to be in a preschool for a longer period of time than is necessary to work on early intervention goals and objectives on the IEP. In this case, the MAWA agency would not be responsible for payment for the additional time.

The **Americans with Disabilities Act** (ADA) prohibits public and private preschools from denying services to any child based on that child's disability unless it can be proven that making "accommodations" would not be "reasonable". Consideration must be given to issues such as the welfare of all children, the cost of the accommodation. If you feel that your child is being discriminated against because of the disability, you can file a complaint with the **Office for Civil Rights**. See the end of this section for more information.

OTHER IEP REQUIREMENTS

1. The MAWA agency is responsible for preschool early intervention services given 12 months each year. The amount, frequency and type of service that is on the IEP should continue until the next IEP is developed. **If the program where your child receives services is not open during the summer, for example, the MAWA agency would be responsible for finding another program or service provider who could continue your child's services.** Early intervention preschool programs are allowed periods "breaks" of no more than three weeks at a time and the program should look no different in the summer than the "school year". The only way changes can be made in the amount or type of service received is by making changes on the IEP and your agreeing to them at an IEP meeting. You will want to be sure that the beginning and ending dates on your child's IEP represent a full calendar year.

2. The IEP should not be written by the MAWA agency before the meeting. *You are an important, equal member of the IEP team! You bring a*

perspective that no other team member has. Share your knowledge about how your child learns and about what you would like your child to learn.

3. The IEP must be written by you and other team members at a meeting within 30 calendar days after you receive your Comprehensive Evaluation Report (CER). You may be asked if you would like to write your IEP immediately after your evaluation. **It is your choice** to wait so you can have time to think about the evaluation results and what you would like to have written on the IEP or to go ahead with the IEP meeting.

4. Parents or educators can ask for an IEP meeting at any time to make changes. If you want to have an IEP meeting, send a dated letter to the preschool supervisor at the MAWA agency asking for a meeting. Keep a copy of your letter! The MAWA agency must honor your request within a reasonable amount of time.

5. You must always be given ***notice in writing*** when the MAWA agency wants to evaluate or reevaluate your child or when they want to make significant changes in the program or placement. You must also be given a written notice if the MAWA agency refuses to do something that you feel is needed and have asked for in writing. **All notices, forms and plans must be in the language you read. If you have trouble understanding anything written that comes from the MAWA agency, tell the preschool supervisor to explain forms or notices to you so that you understand.** The notice must tell you how to resolve your problems if you disagree with what the MAWA agency wants to do.

6. When all discussion about your child's first IEP is completed, you will be asked to sign a form called a **"Notice of Recommended Assignment" or NORA.** This should note your child's placement as discussed by the IEP team and should give you a summary of your rights. Parent signature on the NORA indicates agreement or disagreement with the proposed program and placement. If the NORA is given to you at the IEP meeting, you have **5 days** to sign and return the NORA and an **additional 5 days** after you sign to change your mind. If the NORA was mailed to you, you have **10 days** to sign and return it. NOT SIGNING THE NORA MEANS THAT YOU **APPROVE** OF THE PROGRAM AND PLACEMENT.

At future IEP meetings, you may not receive a new NORA because it will be assumed that you agree with later IEPs. If in the future you disagree with any proposed IEP or placement, ask for a new NORA and sign that you disagree.

7. The IEP must go into effect within 14 calendar days of agreement with the IEP.

8. The MAWA agency may contract with another agency to provide your child with some or all services. **The MAWA agency is responsible for your child's IEP whether services to your child are provided directly by the MAWA agency or contracted with another agency to provide all or part of your child's services.** Any concerns about your child's IEP, therefore, should be brought to the attention of the MAWA agency.

9. If you decide that some or all of the services your child receives are not helping your child or your family and you wish to withdraw from all or part of the program, inform the Preschool Supervisor at the MAWA agency in writing.

ADDITIONAL RIGHTS

The MAWA agency maintains a file for every student containing documents such as CERs, IEPs, etc. This information is shared with those professionals who are involved with your child.

Parents have the right to read and get copies of their child's school records at any time. **Requests for records must be put in writing.** For a child receiving early intervention, the request must be honored within 45 days. If your child is having an evaluation or an IEP is being written, you have a right to see the records, even if it is less than 45 days notice. If you would like copies of any of the records, you may be charged the "going rate" for copying and you may request further explanation of records from a professional if you do not understand the records. You also have a right to see the test form(s) used by evaluators with your child, as long as the forms do not contain other children's names. These forms, however, cannot be copied.

There may be other information kept by individual professionals, such as therapy charts. If these records are shared with no one but are only for that particular professional's use, they are not considered

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part of the student's file and are not required to be shared with parents, unless they are subpoenaed in a due process hearing or legal action. No records may be sent to outside agencies without your written permission. Sometimes parents are asked to sign a general permission form at the beginning of the school year. Always make sure you know what you are signing!

CONFLICT RESOLUTION
Third Birthday to the Age of Beginners

Since IEP team members come from different perspectives, there may be disagreements about evaluation results, the proposed services or the place where those services are to be delivered. The IEP team members should try to communicate, negotiate and compromise to provide the appropriate program. Such problem-solving strategies can often preserve the relationship that is important for parents and educators to have. Sometimes, however, such strategies do not result in agreement and you need to know that, as a parent, you have a right to use more formal methods of resolving conflicts that the IDEA and state law allows.

SPECIAL EDUCATION COMPLAINT - A parent may file a written complaint with the Bureau of Special Education if there is a belief that the MAWA agency violated procedures that are necessary for a child to receive a free and appropriate public education. Examples of procedural violations include not following timelines, missing paperwork such as a written CER, presenting you with an IEP that is already written, ignoring a service on the IEP or giving that service in a different amount than is written on the IEP.

You can file a complaint by writing a letter that gives the following information: your child's name, date of birth, address, MAWA agency; a description of the violation (include copies of any paperwork that would help to prove your point); your name, signature, address, phone TTY number.

This should be sent to the **Bureau of Special Education, Division of Compliance, 333 Market Street, Harrisburg, PA 17126-0333**. A reviewer from this office must investigate your complaint and send you and the school a written decision in **60 days** after receiving your complaint.

MEDIATION - The **Special Education Mediation Service (SEMS)** is a free service to assist parents, school districts and intermediate units in solving problems. Because mediation is voluntary, both sides must agree to meet. SEMS staff will contact your MAWA agency after you request mediation and ask if they will participate. SEMS can be reached at **800-992-4334 (V)** or through the PA Relay Service at **800-654-5984 (TTY)**.

If the MAWA agency agrees, the mediation is scheduled usually within **2 weeks**. A specially trained mediator will meet with you and the MAWA agency to hear both sides of the issue(s) and will assist both parties in trying to reach an agreement. No attorneys are permitted at mediation. You can request mediation even if you have requested a prehearing conference or a due process hearing. The results of mediation are binding if written on the IEP.

PRE-HEARING CONFERENCE - If you disagree with the MAWA agency at any time during the evaluation process, IEP process or placement of your child, you may request a pre-hearing conference. This is an **optional** step before a due process hearing. A pre-hearing conference is a final effort to try to resolve differences before a due process hearing and usually involves the MAWA agency administrator or that person's designee. It must be held within **10 days** after a written request is received. Signing that you "disagree" on the NORA automatically entitles you to a pre-hearing conference. You can also send a letter requesting a pre-hearing conference to the MAWA agency's Preschool Supervisor. Anyone invited by parents may come including a friend, advocate or attorney. If you and the school cannot agree or you have chosen to skip the pre-hearing, a due process hearing can be requested.

DUE PROCESS HEARING - Parents or MAWA agencies may request a due process hearing when agreement has not been reached at a pre-hearing conference or when parents have chosen to have no pre-hearing conference. Due process hearings must be scheduled within **30 days** of your written request to the MAWA agency Preschool Supervisor. A due process hearing is a formal, legal procedure.

A trained hearing officer is assigned to hear the case. The hearing officer cannot work for your MAWA agency and should be impartial. You must decide if you want the hearing "closed" (meaning only those invited by you can attend) or "open" to the public. A stenographer will keep an exact record of everything said at the hearing. A copy will be given to you and school officials.

Verbal and or written information proving facts and opinions is given at the hearing by parents and school officials. Each side can ask questions of the other side. Witnesses can also be asked to provide verbal and or written testimony. If parents or the MAWA agency want a witness to testify and the witness refuses, the hearing officer can order the testimony. All persons testifying must take an oath. All written documents used at the due process hearing must be submitted to the other side at least five business days before the hearing starts.

The hearing officer must make a decision and send it to parents and MAWA agency within **45 days** of the end of the hearing. The decision of the hearing officer can be appealed to an Appeals Panel at the state Department of Education. If this decision is not satisfactory to you or the MAWA agency, the case can be filed in state or federal court. At this point, however, an attorney will be needed to represent you.

A due process hearing costs time, energy and, frequently, money. If a due process hearing is necessary, you need to start planning right away. Parents have the right to bring advocates or attorneys to hearings. Most likely, your MAWA agency will have legal support by an attorney. If you want an advocate or attorney, try to find one who is familiar with preschool special education law. You will need time to meet with that person so that the issues can be explained and strategies can be mapped out.

The IDEA says that if you "prevail" or win most or all of your case, you may be reimbursed by the MAWA agency for some or all cost related to the hearing, such as attorney fees or charges for hiring witnesses. The offer by a MAWA agency to pay these fees must be accepted within 10 days of their offer. Parent reimbursement may be reduced if they cause an undue delay in the hearing or in the final resolution or if parents withhold information from the MAWA agency.

Should you request a pre-hearing conference or a due process hearing, the last IEP that you agreed to would continue to be implemented. This is referred to as pendency or "stay put". If the MAWA agency wants to make a change with which you disagree, you will view this pendency as favorable. If you child is currently in a program that you want to change, however, pendency may not be positive for your child. It is important to think about the consequences of pendency in you decision about requesting a pre-hearing conference or due process hearing. ***If your disagreement comes at a time when your child is scheduled to transition to your school district, the "stay put" rule would be in effect. Your child would be allowed to remain in his or her preschool placement until your due process hearing is settled.***

DISCRIMINATION COMPLAINT - Any agency that is open to the public must follow the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act.

If you believe that you as a parent or your child has been discriminated against because of disability, you can file a complaint with the **Office for Civil Rights (OCR), US Department of Education, Region III, Wanamaker Building, Suite 515, 100 Penn Square East, Philadelphia, PA 19107 (215-656-8541).**

Explain the situation in a letter and discuss why you think discrimination has taken place. You might want to include copies of any documentation (letters, IEPs, CERs, etc.). Also, include your full name, address, phone TTY number. If the complaint is on behalf of your child, also include you child's name, date of birth and the MAWA agency. The complaint must be filed within 180 days of the alleged violation. The OCR will investigate and send you and the MAWA agency a copy of their report.

TRANSITION TO SCHOOL-AGE PROGRAMS

In Pennsylvania, a child can continue to receive preschool special education services until **kindergarten or first-grade age in the local school district. The choice is up to the parents.**

If you want your child to go to kindergarten at"kindergarten age":

The February before your child would be old enough to go to kindergarten in your school district, you will be asked to attend a "transition meeting". You will be asked to sign a form giving the school district permission to obtain preschool records and evaluate your child. You would then register your child for kindergarten in your school district and they will evaluate your child and develop the IEP with you before the first day of kindergarten. Remember parents and school district personnel make decisions about placement once a child is registered.

If, in February, you are not sure about kindergarten for your child, you have until May 15th to make a decision. You can observe kindergarten placements locally, regionally or in specialized schools and or talk with other parents. This should assist you in deciding what is appropriate for your child.

If you DO NOT want your child to go to kindergarten at "kindergarten age":

The February before your child would be old enough to go to kindergarten in your school district, you will be asked to attend a "transition meeting". If you have decided that your child will be staying in presechool special education for the next year, mark on the "Intent to Register" form that you will **not** register your child with the school district. When your current IEP expires, the IEP team will write a preschool IEP and your child will continue to receive preschool special education services until your child becomes the age for first grade.

THEN, AT FIRST GRADE AGE:

You will be asked to attend another February "transition meeting" and to sign a form that will give your school district permission to obtain preschool records and to evaluate your child. An IEP is developed and placement decided by parents and the school district IEP team before school starts.

In order to receive special education services by at least the age of first grade, parents must register with the school district by the end of the summer the child would be entering first grade.

State law says that students do not have to be in school until the age of 8. This is called "compulsory school age". If parents decide not to register the child until age eight, special education services cannot be provided by the school district until the child is registered for public school.

APPENDIX A

GETTING READY FOR THE IEP MEETING

- ✔ Make a list of the things you want to discuss.
- ✔ Bring records, notes that would behelpful.
- ✔ Know what is in your child's agency/school file? If not, ask to see it.
- ✔ Know that you may bring anyone with you to the meeting (friend, relative, advocate, private therapist, etc.) to be a support, provide information or to take notes.
- ✔ Do the goals and objectives outcomes address every area of delay found in the evaluation and in the present levels of development section of the IEP?
- ✔ If words such as "improve" and "increase" are used in the objectives, do you know what skills your child is starting with in that particular subject area (baseline)? For example, if your child's IEP outcome states that your child will "increase his expressive vocabulary", do you know what number of words he/she presently uses?
- ✔ Review your past IFSP/IEP, circling objectives which have not been met. Should they remain on the IFSP/IEP? Should the methods of instruction or criteria be changed?
- ✔ Place a check beside objectives that have been completed. Ask about the next step.
- ✔ Think of your child in various situations (home, school, community). What are your child's particular strengths and needs in these situations?
- ✔ Think of what is motivating for your child. Can this reinforcement be used in the classroom?
- ✔ What is the "least restrictive environment" for your child? What aids, accommodations, services, equipment are needed?
- ✔ How can home-school communication be improved (e.g., phone calls, notes, progress reports, home/school communication book)?
- ✔ What amount, place or type of service would be appropriate for your child based on your child's needs and your family's desires?

APPENDIX B

QUESTIONS PARENTS CAN ASK ABOUT SCHOOL PROGRAMS

- ✔ Is there curriculum for this program?
- ✔ Can parents borrow a copy of the curriculum?
- ✔ What is the background experience of the teacher and other service personnel?
- ✔ What opportunities will children with disabilities have to be with non-disabled peers?
- ✔ What is the age range in my child's class?
- ✔ How can parents arrange for an observation of the class?
- ✔ Does this program, agency or school have a parent/family group?
- ✔ What kind of support services are available?
- ✔ What is the policy for communication between home and school?
- ✔ What training is given to school staff regarding children with disabilities?

APPENDIX C
GLOSSARY OF ABBREVIATIONS

CER - Comprehensive Evaluation Report
DPW - Department of Public Welfare
ESY - Extended School Year
FAPE - Free, Appropriate, Public Education
IDEA - Individuals with Disabilities Education Act
IEP - Individualized Education Program
IFSP - Individualized Family Service Plan
IU - Intermediate Unit
LRE - Least Restrictive Environment
MAWA - Mutually Agreed Upon Written Arrangement
MH/MR - Mental Health/Mental Retardation Agency
MDE - Multidisciplinary Evaluation
MDT - Multidisciplinary Team
NORA - Notice of Recommended Assignment
OCR - Office for Civil Rights
PDE - PA Department of Education
SEMS - Special Education Mediation Service